

United States District Court
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

UNITED STATES OF AMERICA,

v.

JEAN LOUI VARGAS-MALAVE (2)

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§

CRIM. ACTION NO. 3:18-CR-235-S-2

ORDER REGARDING MOTION TO PROCEED *IN FORMA PAUPERIS* ON APPEAL

Before the court is Defendant's Notice of Appeal and Motion to Proceed *In Forma Pauperis* on Appeal filed on August 17, 2020. [ECF No. 410].

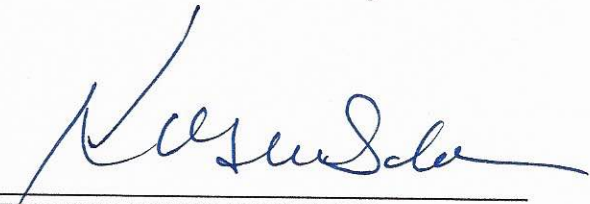
Considering the record in this case and the recommendation of the United States Magistrate Judge, the Court hereby finds and orders:

- () The motion for leave to proceed *in forma pauperis* on appeal is GRANTED. 28 U.S.C. § 1915.
- (X) The motion for leave to proceed *in forma pauperis* on appeal is DENIED for the following reasons:
- () The defendant/movant is not a pauper.
- (X) Pursuant to 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the court certifies that the appeal is not taken in good faith. In support of this finding, the court adopts and incorporates by reference the orders filed on June 18, 2020 [ECF No. 404] and July 24, 2020 [ECF No. 408]. Based on the aforementioned orders, the Court finds that the appeal presents no legal points of arguable merit and is therefore frivolous.

Although this court has certified that the appeal is not taken in good faith under 28 U.S.C. § 1915(a)(3) and FED. R. APP. P. 24(a)(3), the defendant may challenge this finding by filing a separate motion to proceed in forma pauperis on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within 30 days of this order.

SO ORDERED.

SIGNED September 1, 2020


KAREN GREN SCHOLER
UNITED STATES DISTRICT JUDGE